IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.216 OF 2006

Shri Vasant Bhiva Chavande. .. Petitioner
v/s.
State of Mah. & ors. .. Respondents

Mr.M.J.Jamdar for petitioner.
Mr.G.W. Mattos, AGP for respondent.

CORAM : H.L. GOKHALE &
ABHAY S. OKA, JJ.

DATED : 16th February 2006

P.C. :

1. Heard Mr.Jamdar in support of this Petition. Mr.Mattos, AGP appears for the respondents.

2. The case of the petitioner is that he is in the transit accommodation since about 1976 and is not being provided with the regular accommodation. Mr.Mattos has taken instructions. He has drawn our attention to the copy of the letter dated 15th February 2006 addressed by the Deputy Chief Officer to the office of the Government Pleader. The letter states that the petitioner has been offered a tenement of 225 sq. feet. in the reconstructed Irani chawl. He has been allotted tenement No.704-A and that letter is sent to him on 9th September 2004. The letter

further states that the petitioner has not taken possession by stating that he is a heart patient. He has made a request for tenement either on the ground floor or on the first floor.

3. The petitioner is present in Court. Mr.Jamdar talked to him. Mr.Jamdar states that the petitioner is agreeable to take this tenement. He would however like to make a representation to get the tenement either on the ground floor or on the first floor in any of the reconstructed buildings in the event of such tenement becoming available. We see the difficulties faced by the petitioner. We also at the same time cannot ignore that there are large number of such claimants who would like to have tenements either on the ground floor or on the first floor. Even so, looking to the health problem faced by the petitioner, we expect the respondents to consider his representation sympathetically as and when any such tenement becomes available either on the ground floor or on the first floor in any of the reconstructed buildings. We are passing this order in the peculiar facts of the present case.

4. Mr.Jamdar appearing for the petitioner states that the petitioner will take possession

within a week from today and hand over the possession of the transit accommodation.

5. Petition stands disposed of with the aforesaid order.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)